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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

WILLIAM MCKINNEY,)	Case No. CV 09 5561 CW
)	
Plaintiff,)	STIPULATION AND ORDER RE-
)	SETTING PERCIPIENT WITNESS
vs.)	DISCOVERY CUT-OFF AND LAST
)	DAY FOR HEARING ON
BAYER HEALTHCARE LLC; BAYER)	DISPOSITIVE MOTIONS [Civ. L. Rule
HEALTHCARE PHARMACEUTICALS, INC.;)	6-2]
and DOES 1-20,)	
)	
Defendants.)	
)	
)	
)	

The parties, plaintiff William McKinney and defendants Bayer HealthCare LLC and Bayer HealthCare Pharmaceuticals Inc., through their respective counsel, hereby stipulate, pursuant to Civil Local Rule 6-2, as follows:

1. This Court originally issued a Case Management Order setting on (1) a percipient discovery cut-off date of November 12, 2010, (2) a date of December 16, 2010 by which to hear

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dispositive motions, and (3) a trial date of May 16, 2011 (Docket # 13).

2. The parties have been engaging in cooperative efforts to timely complete discovery but, on account of the schedules of witnesses and counsel, are unable to complete the deposition discovery on a timely basis. Currently, there are (5) depositions noticed by the plaintiff as follows: (1) Martin Grubbs (the former manager in the area worked in by plaintiff), (2) Mary Foxall (an occupational health nurse who had involvement with plaintiff's leave of absence), (3) Robert McCollough (another former manager in the area worked in by plaintiff), (4) Brian Sullivan (a former Bayer employee that plaintiff claims replaced him in his position), and (5) Donald R. Ochse (another former Bayer employee that plaintiff claims has knowledge concerning plaintiff's job duties and other matters associated with plaintiff's Bayer employment). Defendants have noticed the depositions of: (1) Kathryn Econome, MD (a physician who treated plaintiff for his claimed disabling condition); (2) Robert Christianson, MD (another physician who treated plaintiff for his claimed disabling condition), and (3) Ronald Santwier (a former Bayer employee, from whom plaintiff has proffered an Affidavit in regards to certain factual matters having to do with plaintiff's purported job duties).

3. Though the parties have been working diligently and cooperatively, they have not been able to schedule these depositions in a manner to be completed by November 12, 2010. In addition, the parties believe it is in the best interest of all to defer dispositive motion briefing until percipient discovery is complete.

4. Accordingly, the parties have met and conferred and jointly propose (1) continuing the percipient discovery cut-off date to December 23, 2010, and (2) continuing the last day to hear dispositive motions to January 27, 2011. The balance of the case management dates would remain the same.

5. There has been one previous request by the parties to continue a case management date; the last day to complete the ENE process which was granted by this Court. (Docket # 16.)

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1 IT IS SO STIPULATED

2
3 Dated: November 3, 2010

4 LAW OFFICE OF JEROME SCHREIBSTEIN

5 By /s/
6 Jerome Schreibstein
7 Attorneys for Defendant s BAYER
8 HEALTHCARE LLC and BAYER
HEALTHCARE PHARMACEUTICALS
INC.

9 Dated: November 3, 2010

10 LAW OFFICES OF JEREMY PASTERNAK

11 By /s/
12 Jeremy Pasternak
13 Anthony Ocegura
14 Attorneys for Plaintiff
WILLIAM MCKINNEY


15 **ORDER**

16 **PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE**

17 **APPEARING, THE COURT ORDERS THAT** (1) the percipient discovery cut-off date is
18 hereby moved to December 23, 2010, and (2) the last day to hear dispositive motions is hereby
19 moved to January 27, 2011, along with the Further Case Management Conference which will be
20 held even if no motions are filed.

21 **IT IS SO ORDERED**

22 Dated: 11/10/2010

23 
24 HON. CLAUDIA WILKEN
25 UNITED STATES DISTRICT JUDGE
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